

--10. The method of claim 6 wherein the egg yolk is delipidated using ethanol in an amount of 400-5,000 parts by weight per 100 parts by weight of raw material egg yolk. --

B2 --11. The powder composition of claim 1 wherein the lipid content of the delipidated egg yolk is 10% by weight or less of the solid ingredients of the delipidated egg yolk. --

--12. The powder composition of claim 1, wherein the pore size of the delipidated egg yolk particles is 0.1 to 10 μm . --

REMARKS

New claims 9-12 have been added to the specification. Support for new claims 9-12 may be found respectively on page 5, lines 18-21; page 6, lines 8-16; page 7, line 12 and page 8, lines 14-15. New claims 9-12 in no way add new matter to the specification. As such, entry and consideration thereof are respectfully requested.

Rejections under 35 U.S.C. §103

1) Claims 1 and 3-5 have been rejected under 35 U.S.C. §103 as being obvious over Takayuki et al. in view of Ueda et al. Takayuki et al. is asserted to teach a powder composition that comprises delipidated egg yolk particles with a functional food material. Ueda et al. is asserted to teach the spray drying of egg yolk particles for preparation on an industrial scale. The

Examiner asserts that it is well known in the art that spray drying creates porous particles. The Examiner asserts that it would be obvious to use porous egg yolk particles derived from spraying in a food composition and that the flavor, color, or vitamin would impregnate the pores. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

The primary reference of Takayuki et al. has a publication date of April 27, 1999. The present application has an international filing date of March 2, 1998. As such, Takayuki et al. is not effective prior art against the present application.

The present invention, as encompassed by independent claim 1, is drawn to a powder composition made from delipidated egg yolk particles and a functional food material that is impregnated into the pores of the delipidated egg yolk particles.

The secondary reference of Ueda et al. teaches spray-drying techniques of egg yolk powder. Although Ueda et al. disclose a particle size of the spray-dried egg yolk powder, there is no disclosure or suggestion in Ueda et al. of spray-dried delipidated egg yolk particles. In addition, the spray-dried non-delipidated egg yolk particles of Ueda et al. cannot be impregnated with functional food material. Because the egg yolk particles of Ueda et al. are non-delipidated, when the egg yolk powder is spray dried the pores which form are too fine to for functional food material to be impregnated into the particles.

Thus, Ueda et al. fails to teach a powder composition made from delipidated egg yolk particles and a functional food

material that is impregnated into the pores of the delipidated egg yolk particles. The present invention is therefore not in anyway disclosed or suggested by Ueda et al. and as noted above, Takayuki et al. is not effective prior art against the present invention. Withdrawal of the rejection is, therefore respectfully requested.

2) Claim 2 has been rejected under 35 U.S.C. §103 as being obvious over Takayuki et al., in view of Ueda et al. and in further view of Samejima et al. Further to the asserted teachings of Takayuki et al. and Ueda et al., as discussed above, Samejima et al. is asserted to teach that angles of repose of less than 60° show flowability of a material and angles of 30 to 40° show very good flowability. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

As discussed above, in Item 1), Takayuki et al. is not available as prior art against the present invention. In addition, Ueda et al. fails to teach a powder composition made from delipidated egg yolk particles and a functional food material that is impregnated into the pores of the delipidated egg yolk particles. Combining Samejima et al. with Ueda et al. fails to teach or suggest the present invention. Samejima et al. contains a description of fluidity and angles of repose of microcapsules. There is no disclosure in Samejima et al. of delipidated egg yolk particles. As such, the present invention is not achieved by combining the teachings of Ueda et al. with

those of Samejima et al. Withdrawal of the rejection is, therefore respectfully requested.

3) Claims 6-8 have been rejected under 35 U.S.C. §103 as being obvious over Takayuki et al., in view of Ueda et al. and in further view of Broderick et al. Further to the asserted teachings of Takayuki et al. and Ueda et al., as discussed above, Broderick et al. is asserted to teach the conventionality of mixing porous particles with an active ingredient or functional food material, under reduced pressure to form a mixture. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

The present invention, as encompassed by independent claim 6, is drawn to a method for preparing a powder composition by

a) mixing a delipidated egg yolk with water and spray-drying the resulting mixture to form porous delipidated egg yolk particles; and

b) mixing the porous delipidated egg yolk particles with a functional food material and drying the resulting mixture under reduced pressure.

As discussed above, in Item 1), Takayuki et al. is not available as prior art against the present invention. Broderick et al. pertains to chewing gum. There is no disclosure in Broderick et al. of delipidated egg yolk particles. As such, the present invention is not obvious over Broderick et al. and withdrawal of the rejection is respectfully requested.

Docket No. 1422-401P

Should there be any questions or outstanding issues regarding the present application, the Examiner is requested to please contact MaryAnne Armstrong, PhD (Reg. No. 40,069) in the Washington DC area at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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1422-401P

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(Rev. 03/30/99)